IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 20149 of 2004

Between:

Siddharth Kaushik, S/o. Sri S.P. Kaushik,

Aged 26 years, Software Engineer,
Presently R/o. H.No.2 Flat No. 272, Bajana Shanthi Apartments,

St.No.5, West Marredpally, Secunderabad,.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority,
Secunderabad.
2 The Motor Vehicles Inspector, Regional Transport Authority,
Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction and more particularly one in the nature of WRIT OF MANDAMUS directing the Respondents to release the Petitioner's Motor Car bearing No. DL-3C-AA-8031 as its seizure is illegal, arbitrary, without jurisdiction, mala fide and void;

Counsel for the Petitioner: MR.BATHINI PAPA RAO GOUD

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the stage of admission made the following:

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ORDER:

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The petitioner claims that he is the owner of the Car bearing No.DL 3C AA 8031. He further contends that on 01.11.2004 while the vehicle was coming from Hyderabad, at Trimulgherry, the 2nd respondent stopped the vehicle, checked the same and after issuing a check report, seized the said vehicle on the ground that the vehicle was not registered at Hyderabad.

2. The petitioner contends that when he approached the 1st respondent, the vehicle was not released. Therefore, he approached this Court seeking release of the vehicle by declaring that the seizure of the vehicle through the report dated 01.11.2004 is illegal, arbitrary and unjust.

3. The vehicle was seized on the ground that the petitioner failed to get the vehicle registered at Hyderabad. The matter is pending before the 1st respondent. It is likely to take some time to finalise the matter. In the meanwhile, the vehicle is likely to be damaged, if it is kept idle.

4. Therefore, the 1st respondent is directed to release the vehicle bearing No.DL 3C AA 8031 to the petitioner for interim custody, pending enquiry, on condition of depositing Rs.10,000/- (Rupees ten thousand only) with the

1st respondent, and also on complying the following conditions:

1. The petitioner shall not transfer the vehicle in favour of others;

2. He shall not change any parts of the vehicle without the

permission of the 1st respondent;

3. He shall produce the vehicle as and when required by the 1st Respondent;

5. He shall cause production of all the documents available with him and participate in the enquiry to enable the 1st respondent to pass appropriate orders on merits.

6. The Writ Petition is, accordingly, disposed of. No costs.

dsr

SPECIAL OFFICER

To:

1. The Secretary,

Regional Transport Authority,

Secunderabad

2. The Motor Vehicles Inspector,

Regional Transport Authority,

Secunderabad

3. Two CCs to the Government Pleader for Transport,

High Court Buildings, Hyderabad (OUT)

4. Two CD copies.